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PRO SE OFFICE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DANIEL REECE

10 Civ. 2901 (JSK) (DF)

SECOND  
AMENDED  
COMPLAINT

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

SHOW & PROVE LLC D/B/A MARC ECKO ENTERTAINMENT,  
MARC ECKO UNCTO, MARC ECKO ENTERPRISES ET AL;  
ATARI, INFOGAMES ENTERTAINMENT, SONY  
COMPUTER ENTERTAINMENT OF AMERICA LLC, SONY  
ET AL, MICROSOFT, FOUNDATION 9 ENTERTAINMENT  
AKA THE COLLECTIVE ET AL

Jury Trial: ☐ Yes ☒ No  
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name DANIEL REECE  
Street Address 700 LENOX AVE. APT. 24 H  
County, City NY, NY  
State & Zip Code NY 10039-4531  
Telephone Number (917) 334-0245

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

SHOW &amp; PROVE LLC D/B/A MARC ECKO ENTERTAINMENT.

Defendant No. 1 Name MARC ECKO UNLTD., MARC ECKO ENTERPRISES ET AL  
 Street Address 40 W. 23<sup>RD</sup> ST.  
 County, City NY, NY  
 State & Zip Code NY 10010  
 Telephone Number (917) 262-1002

Defendant No. 2 Name ATARI  
 Street Address 417 FIFTH AVE.  
 County, City NY, NY  
 State & Zip Code NY 10016  
 Telephone Number (212) 726-6500

Defendant No. 3 Name INFOGAMES ENTERTAINMENT C/O ATARI  
 Street Address 417 FIFTH AVE  
 County, City NY, NY  
 State & Zip Code NY 10016  
 Telephone Number (212) 726-6500

Defendant No. 4 Name SONY COMPUTER ENTERTAINMENT OF AMERICA LLC  
 Street Address 550 MADISON AVE.  
 County, City NY, NY  
 State & Zip Code NY 10022  
 Telephone Number (212) 833-7100

## II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions

☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? 28 U.S.C. § 1391(b); 17 U.S.C. § 501

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship

N/A

Defendant(s) state(s) of citizenship

DEFENDANT NO. 5

NAME - MICROSOFT

ADDRESS - 1290 AVENUE OF THE AMERICAS

COUNTY, - NY, NY  
CITY

STATE - NY, 10104

ZIP CODE

TEL. - (212) 245-2100

DEFENDANT NO. 6

NAME - FOUNDATION 9 ENTERTAINMENT THE AKA COLLECTIVE

ADDRESS - 17600 GILLETTE AVENUE

COUNTY, - IRVINE CALIFORNIA  
CITY

STATE - CA, 92614

ZIP CODE

TEL. - (510) 457-6101

**III. Statement of Claim:**

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? NY, USA, E.U., JAPAN,  
CANADA ET AL IE: CHINA, MEXICO ET AL

B. What date and approximate time did the events giving rise to your claim(s) occur? BEGINNING  
FEBRUARY 14, 2006 TO THE PRESENT (ON GOING)

C. Facts: COPYRIGHT INFRINGEMENT, WILLFUL, CONTRIBUTORY AND VICARIOUS.  
① THAT MARC ECKO AKA SHOW & PROVE LLC D/B/A MARC ECKO ENTERTAINMENT,  
MARC ECKO UNLTD, MARC ECKO ENTERPRISES ET AL IN CONJUNCTION WITH ATARI,  
INFOGAMES ENTERTAINMENT, ~~REEL~~ SONY COMPUTER ENTERTAINMENT OF AMERICA  
LLC, SONY ET AL, MICROSOFT, FOUNDATION 9 ENTERTAINMENT AKA THE COLLECTIVE  
ET AL DID WILLFULLY, CONTRIBUTORILLY, AND VICARIOUSLY FOR PROFIT AND GAIN  
INFRINGE UPON THE COPYRIGHT OF MY ARTWORK WITH THE DEVELOPMENT,  
AND SALES WORLDWIDE OF THE VIDEO GAME "MARC ECKO'S GETTING UP -  
CONTENTS UNDER PRESSURE WHICH CONTAINED ~~MY~~ "SUBSTANTIALLY SIMILAR"  
REPRESENTATIONS OF MY ARTWORK. ALL DEFENDANTS SHARE IN THE INFRINGE-  
MENT IE: ATARI PUBLISHED, SONY & MICROSOFT AS THE GAME IS LICENSED  
FOR PLAY ON THEIR RESPECTIVE CONSOLES. MICROSOFT ALSO AS IT IS AVAILABLE  
AND LICENSED FOR WINDOWS XP OPERATING COMPUTER SYSTEM. FOUNDATION 9  
AKA THE COLLECTIVE DEVELOPED THE END PRODUCT AND THAT INFOGAMES IS THE  
INTERNATIONAL PARENT COMPANY OF ATARI.

What  
happened  
to you?

Who did  
what?

Was anyone  
else  
involved?

Who else  
saw what  
happened?

**IV. Injuries:**

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

N/A

(C)

- ② THAT THE GAME AIMED AT GRAPHIC ART PAYING HOMAGE TO SUBWAY GRAFFITI ART <sup>AND</sup> IN NEW YORK CITY PARTICULAR, PAYING TRIBUTE TO THE GENRE'S LEGENDS FROM NYC, DID WITH "SUBSTANTIAL SIMILARITY" PORTRAY AND HIRE SOMEONE TO "CREATE" MY ARTWORK AND HIRE SOMEONE TO PORTRAY MYSELF AS AN ACTION CHARACTER.
- ③ MY ARTWORK AND INTELLECTUAL PROPERTY PROTECTED BY COPYRIGHT IS DIP.
- ④ IN THE GAME THERE IS A SCENE "DIP'S HIDEOUT" A SEGMENT IN WHICH THE ART IS DISPLAYED PROMINENTLY THERE ARE OTHERS AS WELL AND VIEWABLE ON THE INTERNET IE: YOUTUBE, GAMEPOT ETC.
- ⑤ MY ARTWORK IS REGISTERED WITH THE LIBRARY OF CONGRESS AND I HOLD A VALID AND ACTIVE COPYRIGHT WITH REGISTRATION NUMBER.
- ④ THAT THE GAME WAS MARKETED WITH A "REGULAR" EDITION AND A "LIMITED" EDITION WITH BOTH ABLE TO BE PURCHASED ON-LINE VIA THE INTERNET AS LATE AS 2010 WITH THE GAME FIRST SOLD IN 2006.
- ⑤ THAT THE "LIMITED" EDITION WAS AN UPSCALE VERSION PRICED HIGHER AND DEMONSTRATIVELY PACKAGED TO CHARGE A HIGHER PRICE FOR PROFIT.

**V. Relief:**

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. I ASK THE COURT FOR REMEDY AND SUMMARY JUDGMENT COMPLETE AND SOLE RIGHTS TO MY ART (COPYRIGHTED) AND ARTISTIC PERSONA. AS IT IS NOT KNOWN HOW MANY UNITS OF THE GAME HAS BEEN SOLD AND OR PAID FOR AND DOWNLOADED, I ASK FOR THE CONSERVATIVE STATUTORY AMOUNTS AS FOLLOWS: IN 2006 THERE WERE 25 COUNTRIES IN THE EUROPEAN UNION THE GAME WAS DISTRIBUTED THERE / (RELEASE DATE - FEBRUARY 24, 2006. IF EACH COUNTRY RECEIVED 200 UNITS X 25 COUNTRIES = 5,000 UNITS IN THE U.S. IF 200 UNITS, JAPAN 200 UNITS, CANADA 200 UNITS, MEXICO 200 UNITS AND CHINA 200 UNITS = 1,000 UNITS OUTSIDE OF THE E.U. THE TOTAL THEN OF 6,000 UNITS AS A CONSERVATIVE ESTIMATE MULTIPLIED BY THE STATUTORY MAXIMUM AS THE COURT SEES AS FAIR AND JUST OF EITHER \$30,000.(US) FOR "SIMPLE" INFRINGEMENT AND OR AS DEFENDANTS CULPABILITY IS DETERMINED THE STATUTORY MAXIMUM OF \$150,000(US) FOR WILLFUL INFRINGEMENT AND EACH REPRODUCTION (UNIT OF THE VIDEO GAME) THEN THE MINIMUM SOUGHT WOULD BE AS DISTRIBUTION, PRICING, SALES FIGURES AND PROFITS ARE NOT KNOWN WOULD BE  $6,000 \text{ UNITS} \times \$30,000(\text{US}) = \$180,000,000$ , EITHER FOR EACH DEFENDANT SEPARATELY OR TOGETHER WITH THE MAXIMUM BEING  $6,000 \text{ UNITS} \times \$150,000(\text{US}) = \$900,000,000$ .(US) WITH THE SAME GUIDELINES AS THE COURT DEEMS FAIR AND JUST, FOR EACH DEFENDANT OR COLLECTIVELY.

I declare under penalty of perjury that the foregoing is true and correct.

RESPECTFULLY  
SUBMITTED.

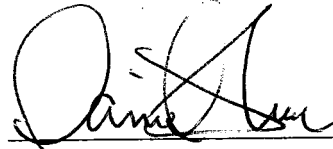
Signed this 14 day of OCTOBER, 2010.

Signature of Plaintiff

Mailing Address

Telephone Number

Fax Number (if you have one)



700 LENOX AVE.

APT. 24H

NY, NY 10039-4531

(917) 334-0245

N/A

**Note:** All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

**For Prisoners:**

I declare under penalty of perjury that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: \_\_\_\_\_

Inmate Number \_\_\_\_\_